

REMARKS

Claims 1-39 are presented in the application and are subject to election. Claims 16 and 31, although subject to election, are amended in this response, making the claims dependent from claim 1 and hence allowable upon allowance of claim 1, which applicant submits is warranted in view of this response. Claims 3, 7-9 and 11-15, 17-30 and 32-39 are withdrawn as being drawn to a non-elected invention, but again as being dependent from claim 1 are asserted to be allowable upon the ultimate allowance of claim 1. As such, claims 1, 2, 4-6 and 10 are subject to examination in the most recent action.

The applicant's attorney, Gregory Stanton communicated to the examiner an election of claims 1, 2, 4-6 and 10 and 16-23, allegedly without traverse. The applicant reminds the examiner of the significant admissions with respect to independent patentability made by the Office by requiring this election. Furthermore, the applicant submits there is no serious burden upon the examiner, as is also required for the Office to make a requirement for election. Nonetheless, the applicant confirms the election of claims 1, 2, 4-6 and 10. Moreover, as all of the claims now depend from claim 1, upon allowance of claim 1 the applicant submits all of the claims 1-39 pending in the application are allowable and should be allowed.

The action rejects claim 10 under 35 U.S.C. 112, second paragraph as allegedly being indefinite. In particular it is alleged that recitation in claim 10 of the width of the second leg portion as being less than the width of the connection portion is indefinite because the specification and drawings fail to show this limitation. The applicant submits the limitation contained in claim 10 is clear. However, because the applicant has amended claim 10 it is unnecessary to address the argument put forward in the action that the limitation does not appear in the drawings and/or specification, i.e., is not supported by the specification. In view of the amendment of claim 10 the issue is moot, and claim 10, as amended, is allowable. Such action is respectfully requested.

The applicant respectfully traverses the rejection of claims 1, 2, 4-6 and 10 as being anticipated by Carlson et al (US 3,935,398, hereinafter "Carlson"). The applicant appreciates the illustrated depiction of how the examiner is interpreting Carlson to read on the

pending claims and in particular the “thickness” of the first leg portion. Unfortunately, the proffered interpretation of the thickness of the first leg portion is one that strains the ordinary meaning of the term, and it is not one that would ever be accepted by one of ordinary skill in the art. The action points to the length of the first leg portion and calls it the thickness. Clear in the claims, the specification and the drawings, among other things, the claimed thickness is the material thickness of the first leg portion. Of course the first leg portion also has a width and a length. For example, in the described embodiments shown in Figures 8-14, the connection portion (e.g., 106 or 140) has a thickness (the vertical dimension in Figure 10 and Figure 11, respectfully) that is less than the corresponding thickness of the first leg portion. Not only is the applicant’s use of the term “thickness” the ordinarily understood meaning of the term, it is the use of the term that one of ordinary skill in the art would readily understand and accept.

Carlson, among other things, fails to teach, disclose or suggest a reduced thickness connection portion as described in this application and as set forth in the pending claims. For at least this reason Carlson fails to anticipate the pending claims. The applicant uses the term “thickness” in its ordinary sense and in a manner that one of ordinary skill in the art readily understands and appreciates.

Furthermore, the reduced thickness of the connection portion reduces the stiffness of the connection of the first leg portion and hence provides for increased deflection of the first leg portion, see, e.g., paragraph 0052. Carlson teaches directly away from reducing the stiffness of the structure corresponding to the first leg portion. Carlson clearly teaches adding a boss or gusset to increase the stiffness of the armature, see, e.g., Col. 2, lines 38-40). As Carlson teaches away from the result sought to be obtained by the claimed structure, it does not suggest such a structure and therefore cannot render the claims unpatentable.

Therefore, claim 1 is allowable over Carlson. Furthermore, claims 2-39, which depend from claim 1, are also allowable. Such action is requested.

In view of the above amendment, applicant believes the pending application as a whole is in condition for allowance.

Application No. 10/758,441
Amendment dated January 16, 2007
Reply to Office Action of October 13, 2006

Docket No.: 30521/3054

Dated: January 16, 2007

Respectfully submitted,

By /Anthony G Sitko/

Anthony G. Sitko

Registration No.: 36,278

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant